

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BERNARD NATIONAL LOAN INVESTORS, LTD., :
Plaintiff, :

-v- :

TRADITIONS MANAGEMENT, LLC, AEY, LLC, :
MICHAEL AIKEN, MARK ENDERLE and MARK :
YARBOROUGH, :
Defendants. :

08 Civ. 3573 (DLC)

ORDER

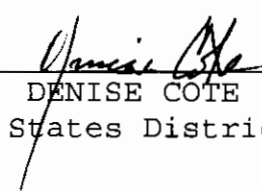
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DENISE COTE, District Judge:

Plaintiff having filed a Second Amended Complaint on August
8, 2008, it is hereby

ORDERED that the Clerk of Court shall terminate defendants'
July 29, 2008 motion to dismiss counts I, III, IV, and V of
plaintiffs' first amended complaint.

SO ORDERED:

Dated: New York, New York
August 14, 2008



DENISE COTE
United States District Judge